

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43960 of 2025

Arising Out of PS. Case No.-119 Year-2024 Thana- Excise P.S. District- Kishanganj

Md. Hamza S/o- Kari Mahboob Alam Village- Barchaundi Ps- Pawakhali
District-Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Madya Nisedh P.S. Case No.119 of 2024 (Special Case No.123 of 2024) lodged on 01.02.2024, for the offences punishable under Sections 30(a) & 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, the allegation of total 1.025 liters of foreign liquor has been recovered from a motorcycle, which is subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the petitioner has been falsely implicated in the present case. Nothing has been recovered from the conscious



possession of the petitioner. He further submits that said recovery has been made from a motorcycle which belong to him, but the said motorcycle has taken by nephew of the petitioner.

5. Counsel submits that the criminal antecedent of the petitioner is clean.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is clean.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Judge, Excise Court No.II, Kishanganj, in connection with Madya Nisedh P.S. Case No.119 of 2024 (Special Case No.123 of 2024), subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

Prakashmani/-

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